
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

GRANT HAMRICK,

Plaintiff,

v.

SPLASH TRANSPORT, INC.,
AHMED ELMEHALAWY,
NANDLEEN, LLC d/b/a NANDLEEN
LOGISTICS, and
REGINALD DEVON JAMES,

Defendants.

No. 3:20-cv-417

JURY DEMANDED

**AGREED ORDER AND RELEASE, ALLOWING COPYING AND INSPECTION
OF MEDICAL AND EMPLOYMENT RECORDS**

Defendants, Splash Transport, Inc. and Ahmed Elmehalawy (hereinafter “Defendants”), attorneys, by and through their undersigned attorneys hereby agree that these Defendants should have an Order and authorizations to acquire certain medical and employment records as they pertain to **Reginald Devon James**, date of birth is xx/xx/1994 and social security number is ***-**-6628, which are in the possession of any doctor, nurse, hospital or other health care providers of the Co-Defendant Reginald Devon James. The scope of the records obtained is limited in time from the date of entry of this Order and the previous ten (10) years.

All records acquired should be paid for by these Defendants and/or their attorneys and copies provided to all counsel within ten (10) days from receipt of same; however, if records are obtained less than thirty (30) days prior to a hearing, deposition or trial, they shall be furnished to counsel for the parties immediately.

In accordance with the **Health Insurance Portability and Accountability Act (HIPAA)**, **45 C.F.R. §160 and 164**, Defendant James hereby acknowledges, through counsel, that release of medical records per this Order shall be used for discovery purposes in the above-styled lawsuit. Defendant James further acknowledges, through counsel, that any request for medical records shall include all records pertaining to treatment or time of services rendered within ten (10) years of the date of this Order. Lastly, Defendant James acknowledges, through counsel, that records obtained per this Order may be disseminated to agents and/or associates of counsel, including but not limited to their agents and expert witnesses and that any such information disseminated will no longer be protected by HIPAA privacy standards.

In further accordance with HIPAA, counsel for the Defendant James hereby acknowledges that dissemination of records obtained per this Order shall be limited to agents representatives and expert witnesses. It is further

It is further hereby ORDERED, ADJUDGED and DECREED that this Order DOES NOT AUTHORIZE any production, inspection or copying of any mental health care records of **Reginald Devin James**.

ORDERED that counsel for the parties are hereby authorized to inspect, reproduce and copy all medical and employment records, as they pertain to **Reginald Devon James**, which are in the possession of any employer, doctor, nurse, hospital, or any other health care provider of Mr. James. Further, it is

ORDERED that said hospitals, doctor or health care providers of Mr. James or their employees are authorized to release said information. Further it is

ORDERED that all records so acquired by this Order and authorization shall be paid for by these Defendants and/or their attorneys, and copies provided to all counsel within ten (10) days

from receipt of same. However, if records are obtained less than thirty (30) days prior to a hearing, deposition or trial, they shall be furnished to counsel for the parties immediately. Further, it is

ORDERED that, if documents are examined and not copied, Defendant James' counsel will be provided the name and address of the place where the documents exist, a listing of all documents examined and not copied within ten (10) days of such examination. Further, it is

ORDERED that this Order and Authorization is not a waiver of Mr. James' right of privacy or covenant of confidentiality with his physicians or other healthcare providers. Counsel for these Defendants hereby advises all of Mr. James' treating physicians and employers, both previous and present, that this Agreed Order does not authorize any communication *ex parte*, or private conferences by and among any attorneys or their agents with any medical health care provider or entity in possession of such medical records unless Mr. James' counsel is present at such conference, with the exception that these defendants, defendants' employees and their record collection agents/representatives are permitted to contact the providers' offices related to the collection of said records only.

This Order shall expire upon final disposition of this case and the law firm of Leitner, Williams, Dooley & Napolitan, PLLC or their designated representatives, shall be prohibited from using the Order thereafter and copies of all records obtained shall be destroyed no later than one (1) year after the time for appeals has been exhausted.

These Defendants stipulate that the records obtained from any employer, doctor nurse, hospital or any other health care providers are authentic and are kept in the regular course of business.

If any records obtained or reviewed with the Order are not provided or revealed to counsel of record as provided herein and/or if any *ex parte* discussion with Mr. James' treating physicians

and/or other medical providers occur in violation of this Order, then sanctions may issue to specifically include prohibition of the use of said records, and/or prohibition of the use of any information discovered pursuant to any said *ex parte* discussions, for any purpose whatsoever and at any time in connection with his litigation.

This Order may be amended by consent of the parties or leave of Court, to include additional medical providers and employers of Mr. James that are identified throughout the course of discovery.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge

APPROVED FOR ENTRY:

TRAMMELL, ADKINS & WARD, P.C.

By: /s/ KENNETH W. WARD (signed by express permission)
Kenneth W. Ward (BPR #015707)
P.O. Box 51450
Knoxville, TN 37950
Phone: (865) 330-2577
Fax: (865) 330-2578
kenward@tawpc.com
Attorneys for Nandleen, LLC
And Reginald Devon James

LEITNER, WILLIAMS, DOOLEY & NAPOLITAN, PLLC

By: /s/ BRAD A. FRASER
BRAD A. FRASER (BPR #20087)
900 South Gay Street
Suite 1800 – Riverview Tower
Knoxville, Tennessee 37902
Phone: (865) 523-0404
Fax: (865) 673-0260
Brad.fraser@leitnerfirm.com
Attorneys for Defendants Splash and Elmehalawy